

**From:** Shilpa Tilwalli  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/25/02 12:33pm

> To Whom It May Concern:

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> In accordance with the Tunney Act I am submitting my opinions on the  
> proposed government settlement with Microsoft in regards to the pending  
> anti-trust case.

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> I am firmly opposed to the current proposed settlement term in the  
> Microsoft case. The terms do not fully redress the actions committed by  
> Microsoft in the past, nor their ability to commit similar or  
> anti-competitive actions in the future.

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> Many of the provisions in the current settlement will not effectively  
> prohibit Microsoft from abusing its current monopoly position in the  
> operating system market. In view of Microsoft history of  
> anti-competitive practices correcting this is vitally important.

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> A few issues that have been brought to my attention are:

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> 1) The settlement does not take into account Windows-compatible competing  
> operating systems. Microsoft increases the Applications Barrier to Entry  
> by using restrictive license terms and intentional incompatibilities. Yet  
> the settlement fails to prohibit this, and even contributes to this part  
> of the Applications Barrier to Entry.

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> 2) The settlement Fails to Prohibit Anticompetitive License Terms  
> currently used by Microsoft. Microsoft currently uses restrictive  
> licensing terms to keep Open Source applications from running on Windows.

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> 3) The settlement Fails to Prohibit Intentional Incompatibilities  
> Historically Used by Microsoft. Microsoft has in the past inserted  
> intentional incompatibilities in its applications to keep them from  
> running on competing operating systems.

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> 4) The settlement Fails to Prohibit Anticompetitive Practices Towards  
> OEMs. The current settlement allows Microsoft to retaliate against any OEM  
> that ships Personal Computers containing a competing Operating System but  
> no Microsoft operating system.

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> Please refer to <http://www.kegel.com/remedy/remedy2.html> for other issues  
> that must be addressed for the settlement to be fair and equitable to all  
> interested parties.

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> While the Court's desire that a settlement be reached is well-intentioned,  
> it is wrong to reach an unjust settlement just for settlement's sake. I  
> implore you to look into these and the other issues before pursuing

> closure on this matter.

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> Thank you.

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Shilpa Tilwalli